

GREGORY P. O'HARA (SBN 131963)
gohara@nixonpeabody.com
ANDREW R. NEILSON (SBN 221694)
aneilson@nixonpeabody.com
GINA M. FORNARIO (SBN 246619)
gfornario@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, California 94111-3600
Telephone: (415) 984-8200
Fax: (415) 984-8300

Attorneys for Defendant
FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER OF UNITED COMMERCIAL BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THOMAS S. WU.

Plaintiff.

VS.

FEDERAL DEPOSIT INSURANCE CORPORATION, in its capacity as receiver of United Commercial Bank, and FEDERAL DEPOSIT INSURANCE CORPORATION, in its corporate capacity,

Defendants.

Case No. CV10-4085 JSW

**STIPULATION AND PROPOSED ORDER
CONTINUING PRETRIAL DEADLINES
BASED ON CONDITIONAL
SETTLEMENT**

STIPULATION

WHEREAS on March 15-16, 2011, the Parties attended mediation with Hon. Daniel Weinstein (Ret.). The mediation involved multiple claims arising from the failure of United Commercial Bank (“UCB”), including Thomas Wu’s claims against the Federal Deposit Insurance Corporation in its capacity as receiver of UCB (the “FDIC”), and the FDIC’s claims against Mr. Wu.

1 The parties reached a conditional settlement. The parties are negotiating the terms and conditions of
2 a final agreement;

3 WHEREAS the parties believe that it would promote efficiency and the conservation of the
4 Court's and the parties' resources to continue pretrial deadlines while the settlement is being
5 finalized;

6 THEREFORE, the parties, through their respective counsel of record, hereby agree and
7 stipulate that:

8 1. The FDIC's responsive pleading deadline shall be continued 45 days from April 15,
9 2011, to May 31, 2011; and

10 2. The Case Management Conference and all attendant matters – including the filing of
11 the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial
12 disclosures under Rule 26(a) – shall be continued until after May 31, 2011 on a date to be set by the
13 Court.

14 Dated: April 1, 2011

NIXON PEABODY LLP

17 By /s/ Andrew Neilson

18 Andrew R. Neilson
19 Attorneys for Defendant Federal Deposit
20 Insurance Corporation, as receiver of
United Commercial Bank

21 Dated: April 1, 2011

LATHAM & WATKINS LLP

24 By /s/ Timothy Crudo

25 Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

1 **PROPOSED ORDER**
2

3 The Case Management Conference currently scheduled for May 13, 2010, is hereby
4 continued to June 10, 2011. The parties shall meet and confer and file a Joint Case
5 Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before
6 June 3, 2011.

7 **IT IS SO ORDERED.**

8 Dated: April 4, 2010

9 
10 _____
11 Hon. Jeffrey S. White